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Attorneys for eTreppid Technologies, LLC and Warren Trepp

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS MONTGOMERY, an individual; and
MONTGOMERY FAMILY TRUST, a California
Trust,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, L.L.C., a Nevada
Limited Liability Company; WARREN TREPP,
an individual; DEPARTMENT OF DEFENSE of
the UNITED STATES OF AMERICA; and
DOES 1 through 10,

Defendants.

AND RELATED CASE(S)

Case No. 3:06-CV-00056-PMP-VPC
Base File

3:06-CV-00145-PMP-VPC

**NOTIFICATION TO COURT OF
NON-RESPONSE BY THE
UNITED STATES AND
MONTGOMERY PARTIES TO
ETREPPID TECHNOLOGIES,
LLC AND WARREN TREPP'S
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
(DOCUMENT NO. 1004)**

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1 On May 6, 2009, pursuant to the Order of this Court dated April 30, 2009 [Document No.
2 1027], eTreppid Technologies, L.L.C., and Warren Trepp, (hereinafter collectively referred to as
3 “eTreppid”), filed their Notification to Court to Proceed with its Motion to Compel Production of
4 Documents [Document No. 1030]. The Court’s April 30 Order granted the United States and the
5 Montgomery parties ten days to respond to the motion after eTreppid provided such notice. To
6 date, neither the United States nor the Montgomery parties have filed any response to eTreppid’s
7 April 9, 2009 Motion to Compel [Doc. No.1004]. Accordingly, eTreppid respectfully requests
8 that this Court order Montgomery to produce documents as set forth in that order, including:

- 9 • All cancelled checks written by Mr. Montgomery; between January 1, 2006 and
10 the present.
- 11 • All financial records for any bank, credit union, brokerage, or other depository
12 account of any kind whatsoever, whether domestic or foreign.
- 13 • Any evidence of life insurance held by Mr. Montgomery.
- 14 • Copies of all current vehicle registrations and proofs of insurance.
- 15 • All promissory notes or other documents evidencing any loan, whether unsecured,
16 secured by real property, or secured by personal property, including all mortgages
17 and auto loans, obtained by Mr. Montgomery between January 2006 and the
18 present.
- 19 • Any application for a loan filled out by Montgomery between January 2006 and
20 the present.
- 21 • Pay stubs from any employer, including but not limited to, Blxware, from January
22 2006 to April 22, 2009;
- 23 • All documents related to property purchased or sold, personal or real, from
24 January 2002 to April 22, 2009;
- 25 • All documents related to gambling at any casino, including but not limited to
26 credit applications, marker play, chips purchased, chips redeemed, payments from
27 casinos, obligations to casinos;
- 28 • Any documents related to cash transactions, including, but not limited to, ATM
machines, checks cashed, cashier's checks purchased.
- Any payments to family or friends or for the benefit of any family or friends.

- Wire transfers both received by, and sent by, Mr. Montgomery, and any and all documents related to the wire transfers.
- Documents related to any payments for services rendered.
- Payments of any kind to law firms.
- Promissory notes not only for real property or vehicles but for any loans, either as maker or payee.
- Source code and any all intellectual property of Blxware and/or Montgomery, as well as running and operative object code, all system documentation, and functional specifications.

The parties are currently seeking to finalize dates for the judgment debtor examination of Mr. Montgomery. This examination may occur as early as June 15, 2009. Accordingly, eTreppid respectfully requests that Montgomery be ordered to produce documents in response to this request no later than Friday, May 29, 2009.

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1 In addition, eTreppid respectfully requests that Montgomery be ordered to pay all
2 attorney's fees incurred by eTreppid in bringing the present motion, in an amount to be
3 determined after any hearing on this motion has been concluded.

4 Dated: May 22, 2009.

5
6 /s/

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PROOF OF SERVICE

I, Cynthia L. Kelb, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Holland & Hart LLP. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action. I am readily familiar with Holland & Hart LLP's practice for collection of mail, delivery of its hand-deliveries and their process of faxes.

On May 22, 2009, I caused the foregoing NOTIFICATION TO COURT OF NON-RESPONSE BY THE UNITED STATES AND MONTGOMERY PARTIES TO ETREPPID TECHNOLOGIES, LLC AND WARREN TREPP'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS (DOCUMENT NO. 1004) to be:

 X filed electronically with the U.S. District Court and therefore the court's computer system has electronically delivered a copy of the foregoing document to the following person(s) at the following e-mail addresses:

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11 Fax No. 310-907-2000

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct, and that this declaration was executed on May 22, 2009.

14 /s/

15 Cynthia L. Kelb

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